

**Minutes  
City Council/Public Financing Authority Regular Meeting  
City of Huntington Beach**

**Monday, May 5, 2014  
4:00 PM – Study Session  
6:00 PM – Regular Meeting  
Council Chambers Civic Center,  
2000 Main Street  
Huntington Beach, California 92648**

**An audio recording of the 4:00 PM portion of this meeting,  
and a video recording of the 6:00 PM portion of this meeting,  
is on file in the Office of the City Clerk and is archived at  
[www.surfcity-hb.org/government/agengas/](http://www.surfcity-hb.org/government/agengas/)**

**4:00 PM - ROOM B-8**

**CALL TO ORDER – 4:03 PM**

**ROLL CALL**

Present: Katapodis, Hardy, Shaw, Harper, Boardman, Sullivan, and Carchio (arrived at 4:22 PM)  
Absent: None

**ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)**

Pursuant to the Brown "Open Meetings" Act, Assistant City Clerk Robin Estanislau announced of a supplemental communication submitted by Community Services for Study Session Item No. 1 entitled *Huntington Beach Senior Center in Central Park, City Council Study Session May 5, 2014*.

**PUBLIC COMMENTS PERTAINING TO STUDY SESSION / CLOSED SESSION ITEMS (3 Minute Time Limit)**

Ralph Bauer, former Mayor, thanked Council for their support of the Senior Center in Central Park and moving it forward for development.

**STUDY SESSION**

1. The Community Services Department provided a project status update on the Senior Center in Central Park, including the estimated schedule for completion and funding options

Janeen Laudenback, Community Services Director, Tom Herbel, City Engineer, and Lori Ann Farrell, Finance Director, provided a PowerPoint presentation entitled *Huntington Beach Senior Center in Central Park, City Council Study Session May 5, 2014*, that included the following titled slides: Background, Current Status, Cost Estimates to Date, Project Schedule, Senior Center Financing Plan, Local Funding Opportunities, Senior Center Financing Plan Options, Existing 30-Year Debt Service Schedule, Building Features, Green Elements, and Next Steps.

Questions/comments included:

Councilmember Boardman, Director Farrell and City Attorney Jennifer McGrath discussed whether or not private donations are tax deductible. Attorney McGrath indicated the City's 501-C4 status, and Director Farrell will confirm that donations made by 501-C2 organizations are tax deductible. Councilmembers Sullivan and Shaw discussed the possibility of receiving a large donation from Hoag Hospital.

Councilmember Boardman and Director Farrell discussed how litigation in appellate court may or may not affect the City's loan interest rate and credit worthiness.

Councilmember Boardman and Director Laudenback discussed plans for solar building, including "green" carports.

Discussion ensued on options for use of the Rogers Senior Center. Mayor Harper questioned if the Chevron property is zoned for recreational use. Councilmember Sullivan recommended use of the empty center for classes, and Mayor Pro Tem Shaw concurred.

Councilmember Carchio encouraged fast-tracking the groundbreaking and Mayor Pro Tem Shaw discussed how the lack of funding helped delay construction.

Councilmember Sullivan described opinions shared during Senior Citizens' Advisory Council meetings, how the Advisory Council understands what senior centers should include, and that 85% of centers are located in parks.

Councilmember Carchio commended the Community Services Department for the services provided to Huntington Beach senior citizens.

Mayor Harper recommended that the Parks Legal Defense Fund (Litigant) withdraw the existing lawsuit, and discussed his support to include exercise amenities in the new facility.

#### **RECESS TO CLOSED SESSION – 4:30 PM**

Mayor Harper announced: Pursuant to Government Code Section 54957.6.a, the City Council takes this opportunity to publicly introduce and identify designated labor negotiator City Manager Fred Wilson, who will be participating today in Closed Session discussions regarding labor negotiations with FMA, MEA, MSMA, PMA and/or POA.

A motion to recess to Closed Session Item Nos. 2-5 was approved by a consensus of Council.

#### **CLOSED SESSION**

2. Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Parks Legal Defense Fund et al. v. The City of Huntington Beach et al., Orange County Superior Court Case No. 30-2008-00051261 and Court of Appeal Case No. G048620 and Parks Legal Defense Fund et al. v. City of Huntington Beach et al., Orange County Superior Court Case No. 30-2012-00570541. In these two lawsuits challenging the Senior Center, a public interest advocacy organization alleges that the City violated CEQA, City Charter Section 612 (Measure C), and the City's General Plan in approving the Senior Center.

3. Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: City of Huntington Beach et al. v. California Director of Finance Ana J. Matosantos et al., Orange County Superior Court Case No. 34-2013-80001441. In this lawsuit, the City is challenging the California Department of Finance's disapproval of an agreement between the City and the former Huntington Beach Redevelopment Agency and challenging the Department's disapproval of funding for the former Redevelopment Agency's housing obligations.

4. Pursuant to Government Code § 54956.9(d)(1), the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Ren Hunn v. City of Huntington Beach, WCAB Case No. ADJ8022790; Claim No. COHB-11-0229.

5. Pursuant to Government Code § 54957.6, the City Council recessed into Closed Session to meet with its designated labor negotiators and Fred Wilson, City Manager regarding the following: FMA, MEA, MSMA, PMA and/or POA.

#### **6:00 PM – COUNCIL CHAMBERS**

#### **RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING – 6:05 PM**

**CLOSED SESSION REPORT BY CITY ATTORNEY - None**

#### **ROLL CALL**

Present: Katapodis, Hardy, Shaw, Harper, Boardman, Sullivan, Carchio  
Absent: None

**PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Councilmember Dave Sullivan.

**INVOCATION** - Led by Father Christian Mondor, Sts. Simon and Jude Catholic Church, and member of the Greater Huntington Beach Interfaith Council.

In permitting a nonsectarian invocation, the City does not intend to proselytize or advance any faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.

#### **AWARDS AND PRESENTATIONS**

**Mayor Harper announced Asian/Pacific American Month and Older Americans Month.**

Mayor Harper announced that May is Asian/Pacific American Month and Older Americans Month. He provided a brief history of each and addressed the corresponding themes. Regarding the latter, he invited the public to participate in the upcoming Step Out for Active Aging Walk on Wednesday, May 21, 2014, from 9:00 AM to 11:00 AM starting from Rodgers Seniors' Center to the pier.

**Mayor Harper presented a Proclamation to the Military Order of the Purple Heart, Chapter 752 naming the City of Huntington Beach as a Purple Heart City.**

Mayor Harper presented a proclamation to the Military Order of the Purple Heart, Chapter 752, naming the City of Huntington Beach as a Purple Heart City.

Dannie Watkins, Commander of the Military Order of the Purple Heart, Chapter 752, introduced two Purple Heart recipients and commented on the designation of the State of California as a Purple Heart State and Orange County as a Purple Heart County and addressed the goal of the organization.

**Councilmember Carchio and Councilmember Sullivan presented a Commendation to Mayor Harper from the Orange County Sanitation District to celebrate 60-year partnership with the City of Huntington Beach.**

Councilmember Carchio and Councilmember Sullivan, Board of Director and Alternate, representing the City of Huntington Beach on the Orange County Sanitation District, presented a commendation to Mayor Harper from the Orange County Sanitation District in celebration of the 60-year partnership with the City.

**Mayor Harper proclaimed National Public Service Recognition Week May 4 through May 11 and presented a Proclamation to City of Huntington Beach employees.**

Mayor Harper proclaimed the week of May 4 through May 11, 2014, as National Public Service Recognition Week and presented a Proclamation to the City of Huntington Beach employees.

A short video was presented highlighting and acknowledging the efforts of City employees.

Mayor Harper reported that preliminary reports are in regarding the National Mayor's Challenge for Water Conservation and that the City of Huntington Beach has "unofficially", taken first place. He added that the winning City will be announced May 6th.

**ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)**

Pursuant to the Brown "Open Meetings" Act, City Clerk Joan L. Flynn announced supplemental communications that were received by her office following distribution of the Council agenda packet:

Administrative Item

Communications received regarding Item No. 11 (Proposed Memorandum of Understanding between City and HBCSD) as follows:

PowerPoint communication received from Ken Domer, Assistant City Manager.

Communication from Scott Dater, Vice President of Seaview Little League, supporting the proposed MOU but requesting an alternative to placing parking over two little league fields.

Communication submitted by Alan Walls, Member, Committee to Save LeBard Park, dated May 5, 2014 supporting the Memorandum of Understanding.

Communication submitted by Greg & Liz Howell of Sky View Designs, dated May 5, 2014

supporting the Memorandum of Understanding.

Communication submitted by Robert Hardy, dated May 5, 2014, supporting the 15-home plan.

Communication submitted by Jon Napier, President, Seaview Little League, dated May 5, 2014, supporting the proposed MOU with revised parking alternative recommended.

### **PUBLIC COMMENTS (3 Minute Time Limit)**

(The number (hh:mm:ss) following the speakers' comments indicates their approximate starting time in the archived video located at <http://www.surfcity-hb.org/government/agendas/>).

Erik Peterson spoke in opposition to Consent Item No. 7 - Firework Enforcement. He referenced a quote by City Attorney Jennifer McGrath in the "Independent", cited the proposed ordinance and wondered regarding access to private property without a warrant, differentiating between people setting off Safe and Sane fireworks and those participating in malicious conduct and the citation process. He expressed concerns that the fireworks ban has taken money away from non-profits, schools, community sports and the Fire and Police Departments. He urged City Council to restore freedoms and not limit them. (00:26:06)

Craig Frampton spoke in opposition to Consent Item No. 7 - Firework Enforcement. He asked regarding enforceability and legality of the ordinance. He stated that he has never seen problems with Safe and Sane fireworks but rather with illegal fireworks and could not understand how making the prior illegal would have an effect on the latter. He opined that the ordinance is poorly drafted and that enforcement of existing laws makes more sense. Additionally, he noted the formation of a Facebook group, "The Huntington Beach Community Forum" where residents are able to state their opinions. (00:28:00)

Christine Zeutzius, Seaview Little League, spoke regarding Administrative Item No. 11 - MOU between the City of Huntington Beach and Huntington Beach City School District. She commented on the high sense of community in the City and expressed concerns with eliminating the Coach Pitch field. She urged City Council to find a new solution besides eliminating fields. (00:30:00)

In response to an inquiry from Councilmember Sullivan, Ms. Zeutzius explained use of the Coach Pitch field.

Chris Epting offered his support regarding the Coach Pitch field and spoke in opposition to Consent Item No. 7 - Firework Enforcement. He cited a recent editorial article in the newspaper noting that a free society should be allowed to make their decisions in life. He commented on the Community Forum group noting that concerned citizens have come together out of concern for the City and that an informal poll resulted in residents declaring their desire to put the matter on the ballot. He urged City Council to listen to the people adding that Councilmembers are not elected to run residents' lives, but rather to run the City. (00:34:27)

Mike Posey, Chair, Planning Commission but speaking on behalf of himself, spoke in opposition to Consent Item No. 7 - Firework Enforcement. He expressed concerns with enforceability and suggested placing fireworks on the ballot for residents to decide. (00:37:14)

Alan Walls spoke in support of Administrative Item No. 11 - MOU between the City of Huntington

Beach and the Huntington Beach City School District. He thanked City Council for honoring Older Americans and stated that the item allows the City to gain park land and keeps open space for baseball. Additionally, he commented on parking issues and felt that fields should not be paved over to allow for additional parking. (00:38:04)

Steve Vasquez spoke in support of Administrative Item No. 11 - MOU between the City of Huntington Beach and Huntington Beach City School District. However, he commented on flaws within the MOU and expressed concerns with the Seaview Little League losing a field and losing space to create an oversized parking lot. He added there are other options that need to be considered. He urged City Council to alter the proposed MOU and preserve open space for the benefit of the community. (00:40:46)

Ed Kerins spoke in support of Administrative Item No. 11 - MOU between the City of Huntington Beach and Huntington Beach City School District and thanked City Council for its efforts in reaching a fair and just solution. He added that the plans can be modified to resolve residents' parking concerns and asked that City Council approve the MOU. (00:43:14)

Randy Wells spoke regarding rental rate increases to certain properties within the Pacific Mobile Home Park and a meeting with park management wherein they promised no rental rate increases for one (1) year. He reported that two (2) weeks after that meeting, rent was increased for eight (8) people in the park by another \$400 to \$500 per month. Mr. Wells opined that those who were being offered money for their mobile homes as part of a widening project and park management raised their rents so tenants would be forced out and park management would be able to sell or re-rent the homes at a higher rate. (00:45:20)

In response to Mayor Pro Tem Shaw's inquiry, City Attorney McGrath reported that the City cannot interfere in a private contract. She deferred to staff for a brief update.

Mayor Harper asked to defer this matter to when the agenda item is discussed.

Maureen Lawson voiced disappointment that City Council voted not to place the ban on plastic bags on the ballot. She commented on people who live in countries where they are unable to vote and opined that many Councilmembers listen to only those who agree with them politically and that the issue is one of power and control. Additionally, regarding the fireworks matter, she believed that people should be able to vote on the matter as well. (00:49:22)

Jennifer Dater, Seaview Little League, spoke in support of Administrative Item No. 11 - MOU between the City of Huntington Beach and Huntington Beach City School District. She commented on the growth of the Little League and expressed concerns with the proposed loss of a Coach Pitch field noting that the Coach Pitch level is the biggest division of Seaview Little League. She urged City Council to retain all six (6) fields for each level of play. (00:51:52)

In response to Councilmember Carchio's inquiry regarding whether Seaview Little League entertains Challenger League, Ms. Dater reported that the president of the organization would be better able to respond. A member of the audience responded in the affirmative.

Councilmember Carchio noted that the Challenger League is for children that are handicapped.

Sharon Benter spoke in opposition to Consent Item No. 7 - Firework Enforcement. She added that she is a member of the Huntington Beach Community Forum and stated she plans on being

more active in City issues. She urged City Council to place fireworks on the ballot for residents to decide. (00:54:45)

Robert Johnson discussed a current labor dispute within the Grocery industry. (00:56:29)

Jack Wood spoke in support of Administrative Item No. 11 - MOU between the City of Huntington Beach and Huntington Beach City School District. He thanked City Council for its efforts in the process and urged that it save the Coach Pitch field. (00:58:03)

Mary Jo Baretich spoke in support of Tim Geddes remaining on the Mobile Home Advisory Board. She commented positively on Mr. Geddes's involvement in the City as well as on the purpose and goals of the Mobile Home Advisory Board. (01:00:54)

Diane Atkins, resident of Pacific Mobile Home Park, spoke regarding space rents in mobile home parks in Huntington Beach. She reported that space rents are being raised considerably and commented on the Mobile Home Advisory Board adding that they are not united and noted the need for cohesion. She recommended that the Advisory Board meet monthly until resolutions are developed for existing problems. She reported that increases in space rents are causing people to abandon their homes and commented on health and safety code violations and presented photos as examples. (01:02:37)

Michael Hoskinson spoke in opposition to Consent Item No. 7 - Firework Enforcement. He commented on other cities that allow use of plastic bags, fireworks and the ability to bring alcohol to a public park adding that they treat residents as adults. He asked that City Council treat its residents as adults as well and that it consider reversing the course that it is taking. (01:05:51)

Betsy Crimi spoke in support of Tim Geddes remaining on the Mobile Home Advisory Board. She reported that he has been harassed during the last few meetings of the Board adding that it takes away time for residents who attend the meetings. She added that he applied for the position, was selected and should be able to serve. She commented on residents and seniors of other mobile home parks whose rents are rising and look to the Board to help them with their issues. She spoke as an advocate for the frail and elderly and asked that City Council liaisons attend the Advisory Board meetings. (01:07:23)

Gloria Alvarez, Chair of the Huntington Beach Historic Resources Board, announced that the Board will have a booth at the Surf City Nights event downtown on May 13, 2014. She invited residents to visit the booth and reported on the availability of a free Historic Downtown Walking Tour brochure as well as a book and pictures available for a donation. (01:10:27)

In response to Councilmember Hardy's inquiry, Ms. Alvarez reported that money raised will be used for identification plaques for historic places. She added that funding will also go towards reprinting the Walking Tour brochure.

Lori Gradel spoke in support of Administrative Item No. 11 - MOU between the City of Huntington Beach and Huntington Beach City School District without removing the field designated for Coach Pitch. She thanked City Council for its efforts in this matter and noted that removing one (1) field would be devastating to the League. (01:12:35)

In response to an inquiry from Councilmember Sullivan, Ms. Gradel reported she just saw the revised plan which would eliminate the Coach Pitch field.

Councilmember Sullivan expressed interest in learning if the League was consulted by the School District regarding the new configuration.

Tim Geddes spoke in defense of his actions and service on the City's Mobile Home Advisory Board. He reported suffering aggressive verbal abuse from Vicky Talley while she continues to have him removed from the Board. (01:15:09)

Brenda Cavillo voiced support for Consent Item No. 7 - Firework Enforcement. She expressed concerns regarding the effects of fireworks on animals and on the environment. She commented on trimming trees during the springtime noting that it disturbs nesting birds. (01:18:33)

Norm Westwell spoke in opposition to Consent Item No. 7 - Firework Enforcement. He opined that City Council is giving away the people's rights and is not protecting them. He added that individual liberty is at stake and that City Council is robbing the people of their rights. He urged City Council to put the matter on the ballot. (01:21:24)

Billy O'Connell spoke in opposition to Consent Item No. 7 - Firework Enforcement. He commented on the benefits of the sale Safe and Sane fireworks for non-profits and spoke of his belief of individual freedoms and urged City Council to vote against the ordinance or place fireworks on the ballot to let the people decide. (01:23:48)

#### **COUNCIL COMMITTEE - APPOINTMENTS - LIAISON REPORTS AND ALL AB 1234 DISCLOSURE REPORTING**

Councilmember Carchio reported attending the 2014 Legislative Action Day event in Sacramento and the Peace Officers' Memorial. He commented on the eight (8) Officers who lost their lives in 2013 protecting their community, one of which was from the City of Laguna Beach. He commented on the importance of Police Officers and how they keep us safe. He suggested thanking Police Officers for what they do for residents and the community.

Councilmember Sullivan reported attending the Hoag Grand Opening and 4th Surfboard Installation and commented positively on the facility. Additionally, he reported attending the General meeting and the Executive Committee meeting of the Senior Citizen Advisory Committee and reported that the organization is having its General meeting on Friday, May 10, 2014 at the Huntington Beach Senior Center.

Mayor Pro Tem Shaw reported attending the Peace Officers' Memorial as well as a recent candlelight vigil. He commented positively on the participation of the Huntington Beach Color Guard and noted there are many good servants in the community who protect us and fall, and commented on the importance of honoring them. He listed the names of Officers who ended their watch in 2013 and were honored in the Memorial. He requested a moment of silence in their honor.

Councilmember Katapodis expressed his disappointment at not attending the Peace Officers' Memorial due to illness. He expressed his condolences to the families of Officers who lost their lives. Additionally, he encouraged residents to thank Police Officers when they see them.

Mayor Harper reported attending the 2014 Legislative Action Day event in Sacramento and appointed Alan Ray to the Investment Advisory Board.



## **CITY MANAGER'S REPORT**

City Manager Fred Wilson reported that recommendations made by the Downtown Task Force are being reviewed by staff, and will be presented to City Council at the June 16, 2014 meeting.

## **CITY TREASURER'S REPORT**

### **1. Received and filed the City Treasurer's March 2014 Quarterly Investment Summary Report**

City Treasurer Alisa Cutchen presented the City Treasurer's March 2014 Quarterly Investment Summary Report addressing current economic factors, interest rates, sample investment rates on March 31, 2014, the City's investment portfolio, book value, portfolio performance on March 31, 2014 and allowable investments per the California State Government Code and City policies.

A motion was made by Councilmember Carchio, second by Councilmember Hardy to receive and file the City Treasurer's Quarterly Investment Report for March 2014, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

The motion carried with the following vote:

AYES:	Hardy, Shaw, Harper, Boardman, Sullivan, Carchio
NOES:	None
ABSENT:	Katapodis (Out of the Chambers)

## **CONSENT CALENDAR**

Councilmember Hardy pulled Item No. 7 for separate discussion and consideration.

Councilmember Carchio pulled Item Nos. 5 and 9 for separate discussion and consideration.

Brief discussion followed regarding second reading of ordinances going under the Consent Calendar.

### **2. Approved Irrevocable Reciprocal Easements between the City and SIS Minimart Corp for Ingress and Egress along Hamilton Avenue**

A motion was made by Councilmember Hardy, second by Councilmember Boardman to approve and authorize the Mayor and City Clerk to execute the "Irrevocable Reciprocal Easement for Ingress and Egress" between the City of Huntington Beach (Grantor) and SIS Minimart Corp. (Grantee) and "Irrevocable Reciprocal Easement for Ingress and Egress" between SIS Minimart Corp. (Grantor) and the City of Huntington Beach (Grantee).

The motion carried with the following vote:

AYES:	Katapodis, Hardy, Shaw, Harper, Boardman, Sullivan, Carchio
NOES:	None

### **3. Awarded and authorized execution of a construction contract in the amount of \$198,000 to Faris Construction Company for the Meredith Pump Station**

### **Improvements Project, CC-1463**

A motion was made by Councilmember Hardy, second by Councilmember Boardman to accept the lowest responsive and responsible bid submitted by Faris Construction Company in the amount of \$198,000.00; and, authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney.

The motion carried with the following vote:

AYES: Katapodis, Hardy, Shaw, Harper, Boardman, Sullivan, Carchio  
NOES: None

- 4. Accepted the lowest and responsible bid and authorized execution of a contract in the amount of \$1,666,614.70 with R.J. Noble Company for the Argosy Avenue, Yorktown Avenue, and 6th Street Rehabilitation Project CC-1424 and approved and authorized execution of an agreement with Huntington Beach Union High School District (HBUHSD)**

A motion was made by Councilmember Hardy, second by Councilmember Boardman to accept the lowest responsive and responsible base bid submitted by R.J. Noble Company in the amount of \$1,666,614.70; authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney; and, approve and authorize the Mayor and City Clerk to execute the Cooperative "Agreement" with the Huntington Beach Union High School District related to Public Improvements along their property frontage on Yorktown Avenue.

The motion carried with the following vote:

AYES: Katapodis, Hardy, Shaw, Harper, Boardman, Sullivan, Carchio  
NOES: None

- 5. Approved letter of Agreement between the City of Huntington Beach and the State of California that allows collaboration for the permitting of events on State and City property within the City of Huntington Beach**

Councilmember Carchio commented on the "Wet Electric" event on the State beach last year which angered many residents, explaining that had he not found out about it through a friend, the City would have not known about it. He voiced concerns about the communication and cooperation between the City and State at that time. He reported that during a visit to Sacramento, he and City Manager Wilson met with the head of State Parks who assured that the City would be informed in the future. He addressed the aforementioned item in terms of City and State responsibilities, but noted that the agreement does not address compensation to the City by the State after events. He stated that the matter needs to be included in the agreement.

Community Services Director Janine Laudenback reported that the letter of agreement is a starting point for the City to begin corroborating with the State of California on a variety of events. It allows staff to have regular conversations and meetings with State personnel to exchange information and ideas about upcoming events. It is possible that there will be additional discussions to address issues such as compensation going forward.

Councilmember Carchio expressed concerns with the State thinking that this is the final

agreement going forward. He addressed previous challenges dealing with the State and indicated not wanting to agree to something without having compensation addressed. He added that the agreement, as presented, allows for no benefits to the City.

City Manager Wilson added that the MOU has taken many months to develop and that the City has limited ability to tell the State what to do or not to do. The subject agreement is a step towards better collaboration with the State and the goal is to have the State meet with the City to discuss upcoming events on a case-by-case basis. The State understands the demands to the City and is willing to work with the City; compensation will depend on the nature and type of event.

Councilmember Carchio stated that the City was successful in stopping the "Wet Electric" event because the Chief of Police used some of his powers. He hoped that those powers would be enacted in the agreement so that the same situation does not arise.

Councilmember Boardman noted that the City did not stop the event, but through the Police Chief and staff protesting the alcohol license, it was an alcohol-free event, which was City Council's main concern. She added that the City does not lose its right to protest to the ABC in terms of any event with which the City is uncomfortable with the agreement. However, the agreement states that the State will not offer any event that gives free access to alcohol. Another issue of concern was that the State did not provide any notification to the City of the impending event. She believed this is a good first step toward working more cooperatively with the State.

Mayor Pro Tem Shaw indicated this is a good first step and that the agreement prohibits any event that will provide free access and allow for alcohol. He stated his support of the item.

Councilmember Sullivan agreed that this is a good first step but also agreed with the need to address compensation to the City. He added that there should be some State responsibility on behalf of the City.

In response to Mayor Harper's inquiry regarding the possibility of including a provision within the agreement that it does not constitute a blanket approval of events hosted by the State, City Attorney McGrath reported that the issue would need to be negotiated and that the State has already executed the agreement as presented. She added that the District Superintendent executed the document. Community Services Director Laudenback added that it is a letter of agreement and not an MOU which gives the City more room to work collaboratively.

Mayor Harper indicated he would be more comfortable with a provision added in to address compensation to the City by the State.

Councilmember Sullivan reiterated that this agreement is a first step and that it should be approved as presented as it was difficult to achieve.

In response to Councilmember Carchio's inquiry Community Services Director Laudenback reported that the local jurisdiction executed the letter of agreement. She added that through negotiations, there was no discussion about reimbursement but there was discussion about working on a case-by-case basis for larger events that might require Police or Fire participation.

City Manager Wilson reported that the present agreement does not allow for compensation to the City for services but that it was agreed that the State would meet with the City as the events come up. At this time, it is difficult to include it in the letter of agreement.

Community Services Director Laudenback reported that the City will work with the State through the Specific Events process but stated that the process is not required for events on State property. The agreement opens the door for the City to have continued discussions with the State. Additionally, she reported that the City and State are working together to discover what is best and she stated that presently, there is a spirit of cooperation.

Councilmember Carchio referenced his conversation with the head of State Parks noting that he agreed with cooperating with the City and reiterated his concerns that compensation to the City is not included in the agreement nor was it discussed. He believed that the agreement has many holes.

Mayor Harper stated this is a guide document and not an MOU nor a contract, but merely a way to be able to work together in the future. He added that the City does not have a strong hand as the State has supremacy over the City. He added that the document does not grant permission or endorsement of functions but allows for discussions going forward.

Councilmember Carchio indicated he will not support the matter.

Mayor Pro Tem Shaw commented on the need to address such issues in future discussions with the State.

A motion was made by Mayor Pro Tem Shaw second by Councilmember Katapodis to approve and authorize the Mayor and City Clerk to execute the "Letter of Agreement Between the City of Huntington Beach and the State of California" that allows collaboration for the permitting events on State and City property within the City of Huntington Beach.

The motion carried with the following vote:

AYES:	Katapodis, Hardy, Shaw, Harper, Boardman, Sullivan
NOES:	Carchio

**6. Approved Delegation of Authority for Atlanta Avenue Widening Project – Purchase of Eight (8) Mobile Homes and created \$25,000 loan fund to assist affected Mobile Homeowners meet increasing rent obligations.**

A motion was made by Councilmember Hardy, second by Councilmember Boardman to approve the delegation of authority and authorize the City Manager and City Attorney to execute eight (8) Atlanta Avenue Widening Project Right-of-Way Contracts and the Quit Claim Deeds.

The motion carried with the following vote:

AYES:	Katapodis, Hardy, Shaw, Harper, Boardman, Sullivan, Carchio
NOES:	None

A motion was made by Councilmember Boardman, seconded by Councilmember Hardy to reconsider Item No. 6.

The motion carried with the following vote:

AYES: Katapodis, Hardy, Shaw, Harper, Boardman, Sullivan, Carchio  
NOES: None

Councilmember Boardman reported she has no issue with the item but expressed concerns regarding issues addressed by a public speaker. Additionally, she stated receiving an email regarding the owner of the park targeting eight (8) homeowners with rent increases. These are the same homeowners with whom the City is in negotiations in order to widen Atlanta Avenue. She requested information from staff regarding how quickly the escrows can move forward. The longer the escrow, the more opportunity the park owner will have to raise space rent to drive the homeowners out.

Deputy Business Development Director Kellee Fritzal reported that is the main purpose of the action at this time noting there are four (4) homes that are ready to go into escrow. By approving the item, the four (4) can be signed this week the other homes are close to finding a new relocated site.

Councilmember Boardman encouraged staff to do all it can to expedite the escrows once an agreement is reached with the homeowners to decrease the opportunity of the predatory practice in which the park owner is engaging.

A motion was made Councilmember Boardman seconded by Mayor Pro Tem Shaw to approve the delegation of authority and authorize the City Manager and City Attorney to execute eight (8) Atlanta Avenue Widening Project Right-of-Way Contracts and the Quit Claim Deeds.

In response to Mayor Pro Tem Shaw regarding the possibility of asking the District Attorney to investigate the matter, City Attorney McGrath stated it would first need to be referred to the Huntington Beach Police Department.

Huntington Beach Police Captain Russell Reinhart reported that they could look into the matter, and Mayor Pro Tem Shaw stated he would appreciate the Police Department looking into it to determine if there has been any criminal wrongdoing.

Councilmember Sullivan commented on the possibility of the City helping the homeowners with the space rent until the end of escrow to discourage the activity.

Councilmember Carchio agreed with Councilmember Sullivan's comments and in response to his inquiry, Deputy Business Development Director Fritzal reported that the City's consultant has been in contact with the landowner and has stated that raising the rent was a business decision based on his purchase. Councilmember Carchio commented on the lack of morals or scruples by some.

In response to Councilmember Hardy's question regarding the possibility of advancing money to the homeowners to cover the land rent until they receive the money from the sale of their homes, Deputy Economic Development Director Fritzal reported that staff will do what needs to be done to help the homeowners. She added that one of the homes is owned by the landowner. Discussion followed regarding the possibility of the landowner raising the rent on the other units to negotiate a higher price for his unit.

Councilmember Sullivan expressed concerns regarding someone falling through the cracks and offered a substitute motion to appropriate \$25,000 to create an emergency loan fund to assist the

7 mobile home owners referred to in Agenda Item No. 6 to help them, if necessary, meet increased rents. The money is to be paid back to City with appropriate interest.

City Attorney McGrath reported that the item would not be properly agendaized for action at this time.

Councilmember Sullivan stated that the issue has come up since the posting of the agenda and offered the following motion.

A motion was made by Councilmember Sullivan, seconded by Mayor Pro Tem Shaw to add emergency item to the agenda after finding that the circumstances were unknown before the agenda was posted.

City Attorney McGrath reported the matter requires a super majority vote by City Council.

The motion carried with the following vote:

AYES: Katapodis, Hardy, Shaw, Boardman, Sullivan, Carchio  
NOES: Harper

A motion was made Councilmember Sullivan, seconded by Councilmember Katapodis to appropriate \$25,000 to create an emergency loan fund to assist the 7 mobile home owners referred to in Agenda Item No. 6 to help them, if necessary, meet increased rents. The money is to be paid back to City with appropriate interest.

In response to an inquiry from Mayor Harper, City Attorney McGrath reported that in order for it to not be considered a gift of public funds, there needs to be a valid public purpose. In this case the valid public purpose is to establish a fund so that homeowners are not evicted prior to escrow closing.

Deputy Business Development Director Fritzel reported that the City has never embarked on a similar action.

Councilmember Boardman thanked Councilmember Sullivan for bringing the issue forward as City Council has heard on various occasions about the problems that rent increases are causing the owners of mobile homes in mobile home parks. She added that in this case, the homeowners deserve to be paid by the City, and not the landowner, attempting to drive homeowners out prior to the close of escrow. She stated she will support the motion.

Councilmember Carchio commented on the prior practice of putting a lien on the house until the loan is paid back.

Mayor Harper expressed concerns with the City going into "unchartered territory".

Councilmember Sullivan noted this is a short-term solution to a perceived problem and stressed that this is only to address the existing emergency.

Councilmember Sullivan's motion carried with the following vote:

AYES: Katapodis, Hardy, Shaw, Boardman, Sullivan, Carchio

NOES: Harper

A motion was made by Councilmember Boardman and seconded by Mayor Pro Tem Shaw to approve the delegation of authority and authorize the City Manager and City Attorney to execute eight (8) Atlanta Avenue Widening Project Right-of-Way Contracts and the Quit Claim Deeds and accepting Mayor Pro Tem Shaw's amendment to direct the Police Department to look into alleged rent hikes to determine if there has been any criminal wrongdoing by the landowner.

City Manager Wilson stated that it is not necessary for Mayor Pro Tem Shaw's amendment to be included in the motion as staff is aware of City Council's concerns and direction.

A motion was made by Councilmember Boardman and seconded by Mayor Pro Tem Shaw to approve the delegation of authority and authorize the City Manager and City Attorney to execute eight (8) Atlanta Avenue Widening Project Right-of-Way Contracts and the Quit Claim Deeds.

The motion carried with the following vote:

AYES: Katapodis, Hardy, Shaw, Harper, Boardman, Sullivan, Carchio

NOES: None

**7. Approved as amended for Re-Introduction Ordinance No. 4025 amending the Huntington Beach Municipal Code (HBMC) by adding Chapter 9.70 relating to Fireworks  
Approved for introduction April 21, 2014**

In response to Mayor Harper's inquiry regarding the relevant Chapter in the Municipal Code regarding fireworks, City Attorney McGrath reported Section 5.90 is simply the prohibition of fireworks Citywide as well as the citing ability for responsible property owners. She reported that Section 5.90 should ultimately be repealed as it expired by its very terms. The only part of Section 5.90 that has expired relates to the Safe and Sane fireworks for two (2) years. She added that staff is attempting to improve the enforceability of the ordinance so it was believed if a separate section was created, it would be simpler to enforce.

Councilmember Hardy stated her concern about property owners who rent their properties and indicated she remains opposed to the sale of Safe and Sane fireworks in the City and would like to give Police and Fire the tools they need to enforce it. However, she believed that the ordinance provides too many opportunities for false accusations and irresponsible behavior. She expressed concerns with people lighting fireworks on another's property when they know they are not home adding personal testimony regarding a family member whose garage was burned down due to the irresponsible use of fireworks by a neighbor when they were not home. She added that she will oppose the ordinance and hoped that a better way can be found to give Police and Fire the tools they need to enforce the law.

Mayor Harper reported that the ordinance prohibits the possession of State-approved fireworks and asked if it includes possession in your home if you intend to discharge them in another city which allows them.

City Attorney McGrath responded affirmatively. She added that the City will not know about it unless there is a complaint and that a home cannot be entered into without probable cause or a warrant. She reported that while she appreciates the theoretical, there is a need to be realistic

and it is not likely that people will report themselves.

Mayor Harper asked if someone is driving to another city while in possession of Safe and Sane fireworks and they are stopped, whether they would be cited for possession.

Police Captain Reinhart reported on the current law but noted that the Police Department has discretion in all of its actions he added that the ordinance is more about the actual number of complaints that are being made to the Police Department about the use of fireworks.

Mayor Harper commented on the need to discuss the matter of possession and also on the need for clear definitions.

Captain Reinhart addressed the definitions of display, use and discharge.

Mayor Pro Tem Shaw indicated he is changing his mind regarding this ordinance adding that there are too many ways for it to go badly. While he remains opposed to fireworks because of residents' overwhelming opposition, he stated he cannot support the ordinance as presented.

Discussion followed regarding the required actions.

Mayor Harper commented on the existing prohibition of Safe and Sane fireworks under Code Section 9.70.020.

City Attorney McGrath reported that staff's preference is for City Council to act under Chapter 9.70 to make the ordinance easier to enforce.

It was noted that the Fire Department's enforcement is in accordance with the Fire Code.

A motion was made by Mayor Pro Tem Shaw to reintroduce Ordinance No. 4025, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Adding Chapter 9.70 Relating to Fireworks" as amended to remove Section 9.70.020 Property occupant/resident responsibility.

Councilmember Hardy commented on changing the Code from Chapter 5.90 to Chapter 9.70 noting that it has not been made clear. She preferred delaying the matter until the next meeting so that the issue can be properly addressed.

A substitute motion was made by Councilmember Hardy and seconded by Mayor Harper to table the first part of the ordinance until the next meeting.

City Clerk Flynn stated that this would then constitute the first reading.

City Attorney McGrath added that if the matter is tabled to the next meeting it will not be effective for July 4, 2014.

Councilmember Hardy noted that this would be the second reading.

City Attorney McGrath agreed and as such it will be effective for July 4, 2014.

Councilmember Hardy noted that the question is why this is needed if the ban is already in place



and that there were apparently technical reasons for moving the ordinance from one section to another. She stated those questions were not answered and she would like a response before voting on this item.

City Attorney McGrath explained that the City Clerk is concerned that a first reading is being triggered with the modification.

Councilmember Hardy withdrew her motion.

Councilmember Carchio suggested eliminating the matter and allowing Safe and Sane fireworks in the City and noted that Huntington Beach residents are responsible citizens. He commented on the amount of money that could otherwise go towards non-profits, public safety services and the fireworks display on the pier. He addressed those who like and those who dislike fireworks but noted that this is the 4th of July and that a celebration is not quiet. He added that people were not given the chance to vote on the matter and that they need to exercise their right to vote on this issue. He reported that he will vote in opposition to the item.

Mayor Harper voiced concerns on moving the provision from its current location to a new section that has chapters related to indecent exposure, inhaling certain substances and intoxicated and disorderly persons, among others. He added that State-approved fireworks are lawful unless a local municipality has made them illegal and expressed concerns that the ordinance, as presented, lumps the item with unsavory illegal activity.

Councilmember Boardman asked that the Police and Fire Chief provide background as to why they think this is an important ordinance.

Discussion followed regarding the first item (9.70.010) being currently on the floor and not the second (9.70.020).

City Attorney McGrath stated that the current ordinance (5.90) is where the City carved out the exception for Safe and Sane fireworks adding that according to the California Fire Code, Safe and Sane fireworks are not illegal. What staff has done in Section 9.70.010 is recreating that dangerous and Safe and Sane fireworks are illegal. If City Council does not adopt this, Safe and Sane fireworks will be legal.

Councilmember Boardman clarified that if 9.70.010 does not pass, the two (2) year experiment regarding Safe and Sane fireworks will continue.

Mayor Harper referenced discussion of the matter last fall.

City Attorney McGrath reported that both dangerous and Safe and Sane fireworks are prohibited under the California Fire Code unless they are made legal by the City. She added that if City Council takes no action at this time, Safe and Sane fireworks are illegal under the California Fire Code.

Councilmember Boardman clarified that 9.70.010, the prohibition, is not necessary and City Attorney McGrath responded affirmatively.

Councilmember Katapodis stated that according to the new section, the ordinance is under the Health and Safety Code.

City Attorney McGrath reported that the City adopts the California Fire Code into the Municipal Code under Section 17.56 and adopts its own exceptions if necessary. She added that the Fire Code reference is used for enforcement.

Mayor Harper noted that the current Title 5 is Business Licenses and Regulations and noted that the question is whether to duplicate that prohibition in Title 9.

City Attorney McGrath reported that fireworks are regulated in three (3) different places within the Code so that this prohibition needs no action and no secondary as the City already has the authority to enforce the prohibition on fireworks. In the future Title 5.90 should be repealed if it is a permanent prohibition.

Mayor Harper clarified that voting for this item is a vote to prohibit fireworks within the City adding that it has been tried since 1987 in terms of preventing fires on wood-shake roofs noting that in 2014, wood-shake roofs are not common within the City. The reason it was passed in 1987 is no longer the case. He added that the use of Safe and Sane fireworks does not cause an increased use of dangerous fireworks. He added this has been brought to the voters of various cities and that Huntington Beach is circled by cities that have approved the use of Safe and Sane fireworks. He added that there is the opportunity to allow residents to decide on this issue in a determinative way.

In response to Councilmember Carchio's inquiry as to whether the prohibition of Safe and Sane fireworks will stem the flow of illegal fireworks in the City, Fire Chief Patrick McIntosh responded affirmatively. Councilmember Carchio encouraged placing the matter on the ballot to let residents decide.

Councilmember Boardman challenged Mayor Harper's statement that use of Safe and Sane fireworks has no impact on illegal fireworks. She added that the Grand Jury as well as many other cities have found the opposite to be true. She read several emails from residents after last July 4th, in opposition to fireworks. She stressed that she is listening to the people who have communicated with her regarding their opposition to fireworks and who want the quality of life they had prior to the most recent experiment allowing Safe and Sane fireworks. She stated she supports letting the experiment end.

Councilmember Carchio stated he received letters in support of fireworks adding that it is a tradition and a National celebration, one (1) day out of the year. He reiterated the need to place the matter on the ballot and let the voters decide.

Councilmember Boardman indicated that it is not just one (1) day but the use of fireworks begin prior to July 4, 2014 and continue past same. It is an issue that affects the quality of life of residents as well as a public safety issue.

Discussion followed regarding the fireworks display at the pier and it was noted that it is in part, financed by the sale of Safe and Sane fireworks.

Councilmember Sullivan recommended that the Fourth of July Committee ask the City to fund the pier display.

Mayor Harper commented on challenges with dividing public opinion on this issue and reiterated

the need to allow residents to decide the matter. He stated that the prohibition of Safe and Sane fireworks does not stop the use of illegal fireworks and that the ultimate people that can determine that are the voters.

Councilmember Hardy noted that placing this matter on the ballot is not part of the consideration of this item.

Mayor Harper responded that it is part of the question as to whether or not the City should prohibit the use of Safe and Sane fireworks and who ultimately makes the decision.

Councilmember Hardy stated the matter is not on the agenda at this time.

City Clerk Flynn asked Mayor Pro Tem Shaw to restate the motion.

A motion was made by Mayor Pro Tem Shaw and seconded by Councilmember Boardman to after the City Clerk reads by title, reintroduce Ordinance No. 4025, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Adding Chapter 9.70 Relating to Fireworks," ***as amended to remove Section 9.70.020 – Property Occupant/Resident Responsibility.***

The motion carried with the following vote:

AYES: Katapodis, Hardy, Shaw, Boardman  
NOES: Harper, Sullivan, Carchio

City Clerk Flynn read title of the ordinance for first reading.

**8. Adopted Ordinance No. 4023 amending Huntington Beach Municipal Code Chapter (HBMC) 13.50 relating to regulation of trees  
Approved for introduction April 21, 2014 (Vote: 7-0)**

A motion was made by Councilmember Hardy, seconded by Councilmember Boardman to adopt Ordinance No. 4023, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Amending Chapter 13.50 Relating to Regulation of Trees."

The motion carried with the following vote:

AYES: Katapodis, Hardy, Shaw, Harper, Boardman, Sullivan, Carchio  
NOES: None

**9. Approved as amended for Re-Introduction Ordinance No. 4024 amending Chapter 2.28 of the Huntington Beach Municipal Code (HBMC) relating to City Council Compensation  
Approved for introduction April 21, 2014**

A motion was made by Councilmember Sullivan, seconded by Councilmember Shaw to adopt Ordinance No. 4024, "An Ordinance of the City of Huntington Beach Amending Chapter 2.28 of the Huntington Beach Municipal Code Relating to the City Council Compensation."

Councilmember Carchio pulled the item to report that Councilmembers deserve to be

compensated for the work they do. However, he stated that the matter is not about salary but rather about payment for doing a job which includes representing the City at various meetings and events as required. Regarding health insurance benefits, he believed they should only be for Councilmembers and that the City should not provide cash in lieu for being on someone else's policy.

Councilmember Hardy agreed that Councilmembers should be compensated for what they do but added that the system does not allow for compensation for every meeting attended. She noted that three (3) Councilmembers are currently compensated seven (7) times more than the others and asked if these attend seven (7) times the meetings more than the others do. She added that future Councilmembers should be able to get the same pay as all others.

Mayor Harper asked regarding the ability of Councilmembers to modify their own compensation during their current term.

City Attorney McGrath reported that when the matter was considered previously, Councilmembers that were sitting changed compensation for Councilmembers who followed. She added that at this time, Councilmembers who are not receiving compensation will vote whether to allow for compensation of Councilmembers who follow.

Councilmember Hardy commented on Mayor Harper's interruption and restated the point being discussed in terms of Councilmembers being compensated for the work they do. She added this is not about the three (3) Councilmembers who do not receive compensation but rather about future Councilmembers. She noted that previously, Councilmember Carchio voted against other Councilmembers being compensated at the same rate as he is and wondered if with his comments, he intended to say that the three (3) Councilmembers who are not compensated are not as effective.

Councilmember Carchio commented on his attendance of meetings and events. He clarified that he did not mean that Councilmembers do not deserve to be paid, but rather that they should be paid, rather than compensated.

Councilmember Hardy acknowledged that Councilmember Carchio attends many meetings and events but added she does not think it is seven (7) times the amount attended by other Councilmembers. However, Councilmember Carchio gets paid seven (7) times what others get. She added that if he believes it is an incentive for Councilmembers working harder, then he should support Councilmembers getting the same pay.

City Attorney McGrath addressed the reasonable expenses that the Charter permits Councilmembers to be reimbursed. She added that charter-stated salaries cannot be changed by ordinance and the prior Council action related to the expense account and medical insurance.

Councilmember Carchio commented on reimbursement and proposed Councilmembers should be paid a salary and not compensation. Regarding health insurance, he suggested eliminating the cash in-lieu portion.

Councilmember Katapodis agreed that if Councilmembers attend meetings and events they should be compensated and if not, then they should not be compensated. He agreed with amending the cash in-lieu portion of the ordinance.

Councilmember Sullivan stated that the current compensation for the newer Councilmembers is completely inadequate and wrong.

A substitute motion was made by Councilmember Carchio and seconded by Councilmember Katapodis, to amend Section 2.28.030 C to restrict City-funded health insurance benefits to Council Members only (no spouses or families), and remove cash in-lieu (medical opt-out) benefit.

Councilmember Boardman did not believe that benefits can be changed and asked the City Attorney for clarification.

City Attorney McGrath indicated that they can but that Councilmembers who will be affected cannot participate.

Councilmember Boardman clarified that the motion will not affect the sitting Councilmembers but will only apply to Councilmembers elected in the future.

City Attorney McGrath indicated that Councilmember Katapodis may not second the motion.

After clarification from Councilmember Carchio that the action will apply only to future Councilmembers, City Attorney McGrath stated that Councilmember Katapodis may participate and therefore, the second stands.

The substitute motion carried with the following vote:

AYES: Katapodis, Hardy, Sullivan, Carchio  
NOES: Shaw, Harper, Boardman

Discussion ensued about the previous action not including the complete body of the Ordinance.

A motion was made by Councilmember Hardy and seconded by Councilmember Sullivan, to reconsider the previous motion to amend language in Section 2.28.03 C.

The motion carried with the following vote:

AYES: Katapodis, Hardy, Shaw, Harper, Boardman, Sullivan, Carchio  
NOES: None

A substitute motion was made by Councilmember Carchio and seconded by Councilmember Katapodis, to after the City Clerk reads by title, approve for reintroduction Ordinance No. 4024, "An Ordinance of the City of Huntington Beach Amending Chapter 2.28 of the Huntington Beach Municipal Code Relating to the City Council Compensation," **with an amendment to Section 2.28.030 C to restrict city-funded health insurance benefits to Council Members only (no spouses or families), and remove cash in-lieu (medical opt-out) benefit.**

The motion carried with the following vote:

AYES: Katapodis, Hardy, Sullivan, Carchio  
NOES: Shaw, Harper, Boardman

City Attorney McGrath read the modifications made to the ordinance.

City Clerk Flynn read title of the ordinance for first reading.

#### **ADMINISTRATIVE PUBLIC HEARING**

**10. Conducted Public Hearing for Annual Weed Abatement Program and Authorized Director of Public Works to proceed with Weed Abatement**

City Manager Wilson reported that the Public Hearing is required to remove weeds from property.

Mayor Harper opened the Public Hearing. With no one present to speak, and no written objections received, the Public Hearing was closed.

A motion was made by Councilmember Carchio and seconded by Councilmember Katapodis, to authorize the Superintendent of Streets (Director of Public Works) to proceed with the abatement of said nuisance.

The motion carried with the following vote:

AYES:	Katapodis, Shaw, Harper, Boardman, Sullivan, Carchio
NOES:	None
ABSENT:	Hardy (Out of the Chambers)

#### **ADMINISTRATIVE ITEMS**

**11. Approved and authorized execution of a Memorandum of Understanding (MOU) between the City of Huntington Beach and the Huntington Beach City School District regarding the transfer and development of the LeBard School Site**

City Manager Wilson introduced the item and deferred to staff for a report.

Assistant City Manager Ken Domer provided a presentation including a description of the item and addressing key issues, existing conditions, proposed deal points, the current conceptual plan, next steps, financial impact and recommendations.

Councilmember Boardman commented on the concerns voiced by residents and noted one of the City's goals is to preserve the fields adding that the current plans are not cast in stone.

Assistant City Manager Domer reported that the parties understand the concerns and that the City intends to mitigate parking and work to preserve the fields.

Councilmember Hardy expressed concerns regarding the loss of the Coach Pitch field and moving the T-ball field near the Majors field adding that she sees the latter as a safety issue. She stated that safety and liability issues could be greater than parking mitigation issues. Additionally, she indicated that the cut-through would create a traffic problem that is greater than the weekend parking problem. She added that the new homes will need a street name and recommended LeBard Circle as same, noting the LeBard family's contributions to education and the City.

Mayor Harper stated that is a good recommendation.

Councilmember Sullivan asked whether the School District met with Little League representatives.

Assistant City Manager Domer reported that they have participated in several meetings with the Little League. He added there will be more meetings as the conceptual plan is changing.

Councilmember Sullivan observed that the School District and the Little League are far apart in terms of the configuration and number of fields. Additionally, he noted there is a difference of opinion between residents and the City regarding parking.

Assistant City Manager Domer stated that through continued discussions the City is willing to consider the parking situation and the School District is working with its consultant to address the matter.

Councilmember Sullivan addressed Naylor Act funds and the use of other sites to justify the amount.

Assistant City Manager Domer reported that the City has agreed to the three (3) schools that have been declared as surplus using their combined acreage and applying the Naylor Act percentage for the acreage being purchased. He explained that if the other two (2) schools remain closed, there will be a surplus which can be purchased through the Naylor Act. If, in the future, a school is opened, the figures would need to be recalculated. The School District has agreed to use the calculation of the three (3) schools for this agreement.

Councilmember Sullivan expressed concerns that the future of the other schools remains unknown and that qualification for Naylor Act funds would then be deficient if other school properties are slated for development. Additionally, he reported that by the City taking the fields, it will incur increased liabilities.

Assistant City Manager Domer stated the City would enter into an agreement with the Little League similar to other agreements pertaining to City parks.

Councilmember Sullivan indicated there are too many moving parts to the agreement and stated he cannot support the matter at this time.

Mayor Pro Tem Shaw stated that he would like to ensure that whatever is done, the Coach Pitch field is maintained and that the T-ball field is moved to a safer location. He commented on parking and stated he is not comfortable approving the item until pending issues have been settled.

Assistant City Manager Domer stated that the agreement allows the City to move forward under the current deal terms and sets in motion that the School District will finalize some of their plans. He added that he has made sure that the Little League and residents provided their input. He reported that the School District will address parking and the fields in their submittal and that the item will go to the Planning Commission and ultimately back to City Council for a final decision.

Councilmember Carchio expressed concerns regarding moving the fields in and stated he would like to ensure that the Challenger League will be able to stay.

Assistant City Manager Domer stated that is not a City decision but rather the Little League's. He reported that representatives from the School District and the Little League are in attendance and

have been able to hear the concerns voiced by residents and City Council. He added that City Council concerns fit within the framework of the MOU. He indicated that if the configuration of the fields does not change, the operations of the Little League will not change. Although the Little League is supportive of the process going forward, they would like to maintain the configuration of the fields. He stated that parking will drive the size of the parking lot and also the ability to keep the fields. Parking will be considered by the Planning Commission and ultimately it will be City Council's decision as to whether or not to maintain the fields.

Councilmember Carchio commented on the purchase price and Assistant City Manager Domer reported that it is a very fair price to the City.

Councilmember Boardman voiced her support of the MOU and stated her appreciation to the School District in working with the City. She added that the MOU provides certainty that there will only be fifteen (15) houses on the site; that the conceptual plan can be modified and that parking can be tweaked. She believed it is important to use the MOU to lock that in and noted this is not the end of the process as the issue needs to still be considered by the Planning Commission and will return to City Council.

Councilmember Hardy asked that as staff looks at the parking issue, that it visit and observe the neighborhood on a game day. She added that parking is far from the fields and that the neighborhood could not be more impacted. The majority of the neighborhood wouldn't see a difference either way. She stated her support of the item.

Councilmember Sullivan commented on the use of the Southern California Edison easement and stated his mistrust of the School District in their business dealings with the City. He referenced a meeting where discussions were had regarding the location of the School District headquarters. He reiterated that he will be opposing the item.

Mayor Pro Tem Shaw asked regarding potential plans of the School District to build more schools.

An unidentified representative from the School District indicated that enrollment has dropped in the last two (2) years and projections are that enrollment will continue to decline. He added that the district is kindergarten through eighth grade and that the affordability of homes in the area makes it very difficult for families with small children to purchase.

Mayor Pro Tem Shaw voiced his support of the item noting that he believes staff has the message in terms of City Council's concerns and direction.

Mayor Harper stated that the decision of where to have the School District headquarters is a decision of the School District Board of Trustees. He noted the importance of recognizing that the School District has a different purpose and different functions than the City. In addition, he stressed the importance of tempering comments regarding the School District since the City's relationship with same is important.

Councilmember Carchio commented on the School District's decision related to the location of the headquarters adding that there will be a small amount of people working from it. Having a big building to accommodate a small number of people does not make sense. He added that the School District and the City serve the same people and that the School District will not allow the baseball fields to go away as there would be public outcry. He believed that the agreement needs additional work including maintaining the fields and determining parking and hoped that the



School District would be more prudent in terms of spending their money.

A motion was made by Councilmember Boardman and seconded by Councilmember Hardy, to approve and authorize the Mayor and City Clerk to execute the "Memorandum of Understanding Between the City of Huntington Beach and the Huntington Beach City School District Regarding the LeBard School Site."

Mayor Harper reported this is an important access site for the Santa Ana River Trail and asked for verification that the plan will include the bike path.

Assistant City Manager Domer responded affirmatively.

Mayor Harper noted this is not the final plan but rather is a conceptual idea. He stated that the important issues have been addressed, such as the number of proposed homes and that the issues of maintaining the fields and parking can be modified and improved to accommodate all of the stakeholders. He added that he will support the item.

The motion carried with the following vote:

AYES: Katapodis, Hardy, Shaw, Harper, Boardman  
NOES: Sullivan, Carchio

#### **COUNCILMEMBER COMMENTS (Not Agendized)**

Councilmember Katapodis reported attending the Huntington Beach Compassionate Day of Community Service, the Hoag Grand Opening and 4th Surfboard Installation and the Taste of Huntington Beach at the Sports Complex. He reported he was unable to attend the SCAG 2014 Regional Conference and General Assembly because of illness but thanked the Mayor for attending. He asked residents to remember LAPD Officer Alberto Sanchez's family, as Officer Sanchez recently lost his life in a traffic accident and to also remember his partner who is recovering in the hospital.

Councilmember Hardy thanked the Friends of the Shipley Nature Center for their Annual Spring Festival.

Mayor Pro Tem Shaw reported attending the 2014 Legislative Action Day in Sacramento, the HB Compassionate Day of Community Service and the Hoag Grand Opening and 4th Surfboard Installation. He commented positively on Hoag Hospital's upgrade to their facility as well as their new care model. Additionally, he reported attending the Friends of Shipley Nature Center Annual Spring Festival and the Taste of Huntington Beach. He commented on the quality of restaurants within the City and reported speaking at the College Commitment Ceremony at Huntington Beach High School. He attended the HB Rotary Club Surfboards on Parade VIP Kickoff Reception, the Bolsa Chica Wetlands Work Day (Union Sportsmen's Alliance) and the 2014 California Peace Officers' Memorial Ceremony.

Councilmember Boardman thanked the Interfaith Council, the LDS Church and the hundreds of volunteers who participated in the HB Compassionate Day of Community Service. She reported attending the Friends of Shipley Nature Center Annual Spring Festival, the Taste of Huntington Beach, the HB Rotary Club Surfboards on Parade VIP Kickoff Reception, the Bolsa Chica Wetlands Work Day (Union Sportsmen's Alliance) and the Project Self Sufficiency "Wine, Cheese

and Chocolate Please" fundraiser. Regarding the latter, she reported that the event raised over \$30,000 for scholarships for the project's families.

Councilmember Sullivan reported attending the Hoag Grand Opening and 4th Surfboard Installation. He commented on the new Facebook page, Huntington Beach Community Forum, where Mayor Pro Tem Shaw commented that, "The lesson of the vote is that you have to dance with the one who brought you" and asked what he meant by that comment.

Mayor Pro Tem Shaw reported that friends on his Facebook page read everything in context and that the context of that statement was to thank everyone, particularly the Surfrider Foundation and Coast Keeper for all of their help.


Councilmember Carchio reported attending the Hoag Grand Opening and 4th Surfboard Installation and commented positively on the facility. In addition, he attended the Taste of Huntington Beach, the HB Rotary Club Surfboards on Parade VIP Kickoff Reception, the McKenna Claire Foundation 4th Annual Party with a Purpose, the Therapeutic Riding Center of Huntington Beach Annual Derby Day and the 2014 California Peace Officers' Memorial Ceremony.

Mayor Harper reported speaking to the 4th Grade Huntington Beach Girl Scouts who were working on their Government patch, the Chamber of Commerce Ribbon Cutting for AOSA Coffee and Tea, the Hoag Grand Opening and 4th Surfboard Installation, the HB Rotary Club Surfboards on Parade VIP Kickoff Reception as well as Seagate Yacht Club's opening day and Huntington Yacht Club opening day. He attended the Taste of Huntington Beach, the SCAG 2014 Regional Conference and General Assembly and reported visiting the Rainbow Environmental Services hazardous waste facility. Mayor Harper commented on the initiative referendum and recall and on issues related to how the City is structured in terms of whether or not to have an elected mayor in the City as well as term limits for elected department heads.

#### ADJOURNMENT

There being no further business to come before Council, Mayor Harper adjourned the meeting at 10:43 PM.

The next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Monday, May 19, 2014, at 4:00 PM in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

  
City Clerk and ex-officio Clerk of the City  
Council of the City of Huntington Beach  
and Secretary of the Public Financing Authority  
of the City of Huntington Beach, California

ATTEST:

  
City Clerk-Secretary

  
Mayor-Chair